

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

LAYOUNDA HUTCHINS,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-01749-JPH-MG
)	
RIGHT PLACE AUTO SALES LLC,)	
)	
Defendant.)	

ORDER

Ms. Hutchins has sued Right Place Auto Sales for "s[elling] her a hazardous vehicle." Dkt. 1 at 5. She seeks \$30,000 in damages. *Id.* Ms. Hutchins has also filed a motion to proceed *in forma pauperis*. Dkt. [2].

I. Motion to Proceed In Forma Pauperis

Ms. Hutchins' motion to proceed *in forma pauperis*, dkt. [2], is **GRANTED**. While *in forma pauperis* status allows Ms. Hutchins to proceed without prepaying the filing fee, she remains liable for the full fees. *Ross v. Roman Catholic Archdiocese of Chicago*, 748 F. App'x 64, 65 (7th Cir. 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without *prepayment* of fees,' . . . but not without *ever* paying fees.). No payment is due at this time.

II. Subject Matter Jurisdiction

"Federal courts are courts of limited jurisdiction." *Gunn v. Minton*, 658 U.S. 251, 256 (2016). To hear and rule on the merits of a case, a federal "court

must have the power to decide the claim before it (subject-matter jurisdiction)." *Lightfoot v. Cendant Mortg. Corp.*, 137 S. Ct. 553, 562 (2017). "The party asserting federal jurisdiction bears the burden of demonstrating its existence." *Farnik v. F.D.I.C.*, 707 F.3d 717, 721 (7th Cir. 2013). And "[i]f the court determines at any time that it lacks subject-matter jurisdiction, [it] must dismiss the action." Fed. R. Civ. P. 12(h)(3); see *Evergreen Square of Cudahy v. Wis. Hous. & Econ. Dev. Auth.*, 776 F.3d 463, 465 (7th Cir. 2015) ("[F]ederal courts are obligated to inquire into the existence of jurisdiction sua sponte.")

The Court does not appear to have jurisdiction over this case. The basic statutory grants of federal-court subject-matter jurisdiction are contained in 28 U.S.C. §§ 1331 and 1332. Section 1331 provides for federal-question jurisdiction, § 1332 for diversity of citizenship jurisdiction. A plaintiff properly invokes § 1331 jurisdiction when she pleads a colorable claim arising under the Constitution or laws of the United States. She invokes § 1332 jurisdiction when she presents a claim between parties of diverse citizenship that exceeds the required jurisdictional amount, currently \$75,000. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 513 (2006) (citations and quotation omitted).

Ms. Hutchins' complaint alleges that Defendant sold her a hazardous vehicle and indicates that the basis for jurisdiction is federal question. However, Ms. Hutchins has not demonstrated that her claim "aris[es] under the Constitution or the laws of the United States." *Id.* While her allegations might be understood to allege state law claims, there is no allegation of conduct which could support the existence of federal question jurisdiction.

III. Conclusion

Because Ms. Hutchins has not demonstrated subject-matter jurisdiction, her complaint must be **dismissed**. She shall have **through July 23, 2021**, in which to show cause why this action should not be dismissed for lack of subject-matter jurisdiction. If she fails to respond by this date, the Court will dismiss this case without prejudice.

SO ORDERED.

Date: 6/30/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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